

REMARKS

Claims 6-8 remain in this application. Claims 1-5 and 9-13 have been canceled.

I. Rejections under 35 U.S.C. §112

Claims 2-5 are rejected under 35 U.S.C. §112, second paragraph as allegedly being indefinite. As noted above, claims 2-5 have been canceled.

II. Rejection under 35 U.S.C. § 103

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,994,530 (Posey-Dowty). As noted above, claims 1-5 have been canceled.

III. Allowed Claims 6-13

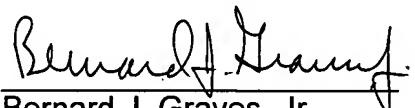
While claims 6-13 have been allowed, applicants note that in the Examiner's comments, the reasoning for allowance was stated to be "because the prior art does not teach a composition that contains cellulose ester and sulfonate containing linear polyester...." Applicants have requested cancellation of allowed claims 9-13 (thus leaving only allowed claims 6-8 in this application), because these claims do not contain the sulfopolyester component and in some cases referred to rejected (now canceled) claims for the definition of the compositions. Accordingly, insofar as it appears that the allowance of claims 9-13 was not intended, applicants request cancellation of such claims. Finally, applicants request amendment in claim 6 to correct a clerical error—the word "estert" was corrected to read "ester".

IV. Supplemental Information Disclosure Statement

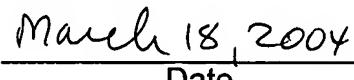
Applicants also enclose a Supplemental Information Disclosure Statement which contains a copy of an office action in copending application U.S. Serial No. 10/114,353, assigned to Examiner Sharon Lee Howard in art unit 1615.

In summary, applicants request entry of the above amendments, consideration of the remarks and passage of the application to issuance. A petition for a three month extension of time is enclosed.

Respectfully submitted,



Bernard J. Graves, Jr.
Registration No. 33,239

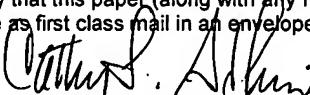


Date

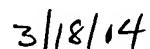
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-3634
FAX: (423) 229-1239

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Cathy L. Adkins



Date



Docket 71506

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Oldfield et al.

Serial No.: 10/054,082

Group Art Unit: 1615

Filed: January 22, 2002

Examiner: Blessing M. Fubara

For: HAIR GROOMING FORMULATIONS AND METHODS FOR THE USE
THEREOF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97(c)(2)

In accordance with 37 CFR 1.56, the document listed on the attached Information Disclosure Statement by Applicant is being brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. A copy of the cited document is enclosed. In this regard, applicants wish to advise the Examiner of the existence of copending application U.S. Serial No. 10/114,353, entitled COSMETIC COATING COMPOSITION COMPRISING CARBOXYALKYL CELLULOSE ESTER, assigned to Examiner Sharon Lee Howard in art unit 1615. The document on the attached sheet is an office action in U.S. Serial No. 10/114,353, which was mailed on October 22, 2003.

Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an Information Disclosure Statement under §1.97(c). Please charge Deposit Account No. 05-0221 in the amount of \$180.00. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.17 which may be required by

Docket:

PATENT

this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy of this paper is attached.

Respectfully submitted,


Bernard J. Graves, Jr.

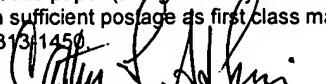
Registration No. 33,239

March 18, 2004
Date

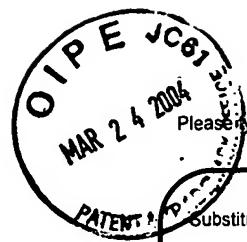
Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-3634
FAX: (423) 229-1239

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Cathy L. Adkins

3/18/04
Date



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Substitute for form 1449

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

| | | | | | |
|------------------------|------------------|----|---|---------------|--------------------|
| Attorney Docket Number | 71506 | | | | |
| First Named Inventor | Oldfield et al. | | | | |
| COMPLETE IF KNOWN | | | | | |
| Application Number | 10/054,082 | | | | |
| Filing Date | January 22, 2002 | | | | |
| Group Art Unit | 1615 | | | | |
| Sheet | 1 | of | 1 | Examiner Name | Blessing M. Fubara |

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
|--------------------|-----------------------|----------------------|--------------------------------------|---|---|
| | | Number | Kind Code ² (if known) | | |
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FOREIGN PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | T ⁶ |
|--------------------|-----------------------|-------------------------|---------------------|--------------------------------------|---|---|----------------|
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | |
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OTHER - NON PATENT LITERATURE DOCUMENTS

| | | | |
|--------------------|-----------------------|--|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | T ⁶ |
| | | Office action dated October 22, 2003, from co-pending application 10/114,353 filed on April 2, 2002 | |
| | | | |

| | |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.



UNITED STATES PATENT AND TRADEMARK OFFICE

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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 10/114,353 | 04/02/2002 | Suzanne Winegar Dobbs | 71526 | 7671 |

B354
7590 10/22/2003
Jonathan D. Wood
Eastman Chemical Company
P.O. Box 511
Kingsport, TN 37662-5075

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OCT 27 2003

EASTMAN CHEMICAL COMPANY
LEGAL DEPARTMENT

DATE MAILED: 10/22/2003

ENTERED *4*

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

| Application No. | Applicant(s) |
|------------------|--------------|
| 10/114,353 | DOBBS ET AL. |
| Examiner | Art Unit |
| Sharon L. Howard | 1615 |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 10/4/02, 4/10/03.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s) _____.
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3. 6) Other:

Examiner acknowledges receipt of IDS filed on 10/4/02 and 4/10/03.

Claims 1-11 are pending.

DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Patent No. 5,792,856).

Allen teaches a waterborne coating composition comprising about 0.1 to about 50 weight percent of carboxymethylcellulose (CMC) esters consisting of CMC acetate butyrate and CMC propionate, wherein the esters which are partially neutralized, are partially neutralized with 2-amino-2-methyl-1-propanol (col.9, line 40), said composition is dissolved in a solvent mixture such as methanol, ethanol, 2-butanone, ethylene glycol monopropyl ether and ethylene glycol monobutyl ether and dispersed in water (see abstract, col.8, lines 7-67, bridging col.9, lines 1-40), wherein said esters are known in the art to be useful as binders (see abstract and col.2, lines 66-67, col.3, lines 1-11).

Allen teaches about 0.1 to about 50 weight percent (col.8, lines 7 et seq) of the coating composition.

Art Unit: 1615

Allen teaches a process for preparing the said coating composition and that the composition is known to be applied to solid substrates, as well other substrates (col.10, lines 13-22).

One having ordinary skill in the art would have been motivated to prepare the composition of Allen, which is known for its art-recognized use for coating a substrate.

It would have been obvious therefore, to one to one of ordinary skill in the art at time the invention was made to use the teachings of Allen.

CORRESPONDENCE

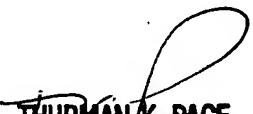
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon L. Howard whose telephone number is (703) 308-4359. The examiner can normally be reached on 9:00am - 5:00pm.

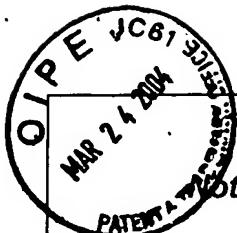
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (703) 308-2927. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.



Sharon Howard
October 17, 2003


THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600



| | | | |
|-----------------------------------|---------------------------------------|---|-------------|
| Notice of References Cited | Application/Control No. 10/114,353 | Applicant(s)/Patent Under Reexamination DOBBS ET AL. | |
| | Examiner Sharon L. Howard | Art Unit 1615 | Page 1 of 1 |

U.S. PATENT DOCUMENTS

| * | | Document Number Country Code-Number-Kind Code | Date MM-YYYY | Name | Classification |
|---|---|--|-----------------|--------------|----------------|
| * | A | US-5,792,856 | 08-1998 | Allen et al. | 536/66 |
| | B | US- | | | |
| | C | US- | | | |
| | D | US- | | | |
| | E | US- | | | |
| | F | US- | | | |
| | G | US- | | | |
| | H | US- | | | |
| | I | US- | | | |
| | J | US- | | | |
| | K | US- | | | |
| | L | US- | | | |
| | M | US- | | | |

FOREIGN PATENT DOCUMENTS

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NON-PATENT DOCUMENTS

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|---|---|---|
| * | | Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) |
| | U | |
| | V | |
| | W | |
| | X | |

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

APR 1 0 2003

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

Sheet

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of

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Attorney Docket Number 71526

First Named Inventor Dobbs et al.

COMPLETE IF KNOWN

Application Number 10/114,353

Filing Date April 2, 2002

Group Art Unit

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TECH CENTER 1000/2900 APR 11 2003

Examiner Name

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|----------------------|-----------------------------------|---|--|
| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
| | | Number | Kind Code ² (if known) | | |
| S.H. | ✓ | 6,333,025 | | Ramin | 12/25/2001 |
| | | | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | | | |
|--------------------------|-----------------------|-------------------------|---------------------|-----------------------------------|---|--|----------------|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | T ³ |
| | | Office ³ | Number ⁴ | Kind Code ⁵ (if known) | | | |
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| OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS | | | | | | | |
|---|-----------------------|--|--|--|--|----------------|--|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, pages(s), volume-issue number(s), publisher, city and/or country where published. | | | | T ³ | |
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| Examiner Signature | S. Howard | Date Considered | 10/20/03 |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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| Substitute for form 1449 | | OCT 04 2002 | | Attorney Docket Number | 71526 |
| | | | | First Named Inventor | Suzanne Winegar Dobbs |
| | | | | COMPLETE IF KNOWN | |
| | | | | Application Number | 10/114,353 |
| | | | | Filing Date | April 02, 2002 |
| | | | | Group Art Unit | 1615 |
| Sheet | 1 | of | 3 | Examiner Name | S. Howard |

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

U.S. PATENT DOCUMENTS

| Examiner Initials* | Cite No. ¹ | U.S. Patent Document | | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY |
|--------------------|-----------------------|----------------------|--------------------------------------|---|---|
| | | Number | Kind Code ² (if known) | | |
| SH | | 4,158,053 | | Greene et al. | 06-12-1979 |
| | | 4,712,571 | | Reniz et al. | 12-15-1987 |
| | | 5,120,529 | | Koch et al. | 06-09-1992 |
| | | 5,130,125 | | Martin et al. | 07-14-1992 |
| | | 5,266,322 | | Myers et al. | 11-30-1993 |
| | | 5,346,692 | | Wohlrab et al. | 09-13-1994 |
| | | 5,380,520 | | Dobbs | 01-10-1995 |
| | | 5,424,061 | | Pappas et al. | 06-13-1995 |
| | | 5,512,273 | | Martin | 04-30-1996 |
| | | 5,668,273 | | Allen et al. | 09-16-1997 |
| | | 5,716,603 | | Chen et al. | 02-10-1998 |
| | | 5,720,804 | | Martin | 02-24-1998 |
| | | 5,741,901 | | Cook et al. | 04-21-1998 |
| | | 5,747,019 | | Weisman | 05-05-1998 |
| | | 5,785,958 | | Sirdesai et al. | 07-28-1998 |
| | | 5,792,856 | | Allen et al. | 08-11-1998 |
| ✓ | ✓ | 5,871,573 | | Cook et al. | 02-16-1999 |
| ✓ | ✓ | 5,955,063 | | Brody et al. | 09-21-1999 |
| SH | ✓ | 5,981,738 | | Cook et al. | 11-09-1999 |

| | | | |
|--------------------|-----------|-----------------|---------|
| Examiner Signature | S. Howard | Date Considered | 10/9/03 |
|--------------------|-----------|-----------------|---------|

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¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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OCT 04 2002

Attorney Docket Number 71526

71526

First Named Inventor

Suzanne Winegar Dobbs

COMPLETE IF KNOWN

Application Number

10/114, 353

Filing Date

April 02, 2002

Group Art Unit

1615

Sheet

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of

3

Examiner Name

S. Howard

OCT 10 2002

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OCT 10 2002

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

U.S. PATENT DOCUMENTS

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|-----------------------|-----------|--------------------|---------|
| Examiner Signature | S. Howard | Date Considered | 10/9/03 |
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| Substitute for form 1449 | | OCT 04 2002 | | Attorney Docket Number | 71526 |
| | | | | First Named Inventor | Suzanne Winegar Dobbs |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT | | | | <i>COMPLETE IF KNOWN</i> | |
| | | | | Application Number | 10/114,353 |
| | | | | Filing Date | April 02, 2002 |
| | | | | Group Art Unit | 1615 |
| Sheet | 3 | of | 3 | Examiner Name | <i>S. Howard</i> |

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

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|-----------------------|-----------|--------------------|---------|
| Examiner Signature | S. Howard | Date Considered | 10/9/03 |
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